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April 10, 2023

Via ECF

Honorable Judge Kenneth M. Karas
The Hon. Charles L. Briant Jr.
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, New York 10601-4150

Re: Santander Consumer USA, Inc. v. The City of Yonkers, et al.
Docket No. 7:20-cv-4553(KMK)(PED)

Dear Judge Karas:

We represent Plaintiff-Intervenor Kate Mensah in the above-referenced matter and write to respond to Defendant A.P.O.W. Towing's (APOW) Letter Motion to Stay (Doc. No. 169) the Proposed Scheduling Order (Doc. No. 168) to the Court, as directed by the Court on April 5, 2023.

On October 25, 2022, Plaintiff Santander filed a proposed judgment for attorneys' fees, which the Court so ordered on October 26th.

Thereafter, The City of Yonkers filed an Appeal to challenge the Court's award of attorneys fees to Plaintiff Santander from the City of Yonkers.

Defendant APOW also filed an Appeal but never submitted the filing fee and subsequently withdrew it. Thus, the only parties to the pending Appeal and set to participate in the CAMP Mediation were the City of Yonkers and Santander.

Entirely independent of that award and the Appeal therefrom, our firm filed a Motion for Summary Judgment seeking awards in favor of the plaintiff-intervenor, Kate Mensah, for damages and attorneys' fees against both Defendants, the City of Yonkers and APOW.

Neither of the Defendants filed any opposition to our motion.

Realizing same, counsel for the City of Yonkers asked our consent for them to request that the Court set a deadline for the City to file its opposition to our motion for damages and attorneys' fees.

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With our consent, the City filed a request that the Court afford the City until May 12, 2023, to file opposition to our motion and that we be afforded until June 9th to submit our Reply to their opposition.

Defendant APOW has filed no opposition to our motion, nor have they requested our consent to ask the Court for time to interpose same.

Instead, APOW laments that it was not a party to the mediation of the Appeal.

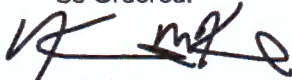
APOW was not a party to the mediation because it is not a party to the Appeal, which is limited to the City challenging the amount of attorneys fees that this Court awarded to plaintiff Santander.

As such, there is simply no basis for APOW to request a stay of anything herein.

Under the circumstances, we respectfully request that the Court agree to the deadlines set forth in the City of Yonkers' letter, that our motion be deemed unopposed by Defendant APOW, and that any request for any stay by APOW be denied.

The Court will hold a conference on
4/20/23, at 10:30 via telephone

So Ordered.


4/10/23

Respectfully submitted,


Andrew J. Campanelli

cc: All Counsel of Record (via email)